

1972

c 104 The Regional Municipality of Sudbury Act, 1972

Ontario

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CHAPTER 104

**An Act to establish
The Regional Municipality of Sudbury**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Dowling, the Town of Neelon and Garson, the Town of Rayside-Balfour, the Town of Valley East and the Town of Waters, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area" means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means the Regional Municipality of Sudbury;
- (q) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part VIII;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dowling and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the limit between the north half and the south half of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Concession III of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of the Township of Falconbridge and the geographic township of MacLennan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Neelon and Garson and the portions of the Township of Neelon and Garson and the geographic township of Dryden, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE southerly, easterly and southerly along the boundaries of the Township of Neelon and Garson to the southerly boundary of the said Township;

THENCE easterly along the southerly boundary of the Township of Neelon and Garson to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the northeast angle thereof;

THENCE westerly along the northerly boundary of the Township of Neelon and Garson to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Coniston;

SECONDLY, part of the geographic township of Dryden, commencing at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession 1 of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;

THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;

THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;

SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

- (f) The portions of the Township of Neelon and Garson and the geographic township of Lumsden, described as follows, are annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE northerly along the westerly boundary of the Township of Neelon and Garson to the northwest angle thereof;

THENCE easterly along the northerly boundary of the said Township to the point of commencement;

SECONDLY, part of the geographic township of Lumsden, commencing at the southwest angle of the geographic township of Lumsden;

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;

THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Waters, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the limit between the north half and the south half of Lot 1 in Concession III of the said Township;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the said Concession III to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank being along the south boundary of the Township of Dowling to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement.

Amalgamations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any

local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order, ^{Referendum re names of area municipalities}

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: ^{Composition of council}

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Dowling—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Neelon and Garson—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Eight councillors elected by general vote.

6. The Town of Valley East—Six councillors elected by general vote.

7. The Town of Waters—Six councillors elected by wards.

Election and
term of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 2nd day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. 95

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of
first elections

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area muni-

palities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

- (7) No area municipality shall have a board of control. No board of control

4. In every area municipality in the year 1974 and thereafter, elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*. Subsequent elections 1972, c.95

5. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 16th day of October, 1972, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Sudbury". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1970, cc. 118, 323

(3) The Regional Municipality of Sudbury for judicial purposes shall form part of the Provisional Judicial District of Sudbury. Regional Municipality part of Provisional Judicial District of Sudbury

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty-one members composed of a chairman and, Composition of Regional Council

- (a) in the year 1972, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Neelon and Garson;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour elected by the council;
- (e) one member of the council of the area municipality of the Town of Valley East elected by the council;
- (f) one member of the council of the area municipality of the Town of Waters elected by the council.

Method of
election of
Regional
Council in
1972

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality that is required to elect a member or members to the Regional Council, shall meet on or before the 10th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974.

Biennial
election of
Regional
Council

(3) In the year 1975 and in every second year thereafter the council of each area municipality, except the City of Sudbury, shall at its first meeting in each such year elect its members to the Regional Council.

Appointment
of chair-
man by
Lieutenant
Governor in
Council

9. (1) The chairman shall be appointed by the Lieutenant Governor in Council before the 16th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

Failure to
elect
chairman

10.—(1) The first meeting of the Regional Council in the year 1972 shall be held on or after the 16th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First meeting
1972

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January.

First meeting
of area
councils

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First meeting
of Regional
Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Certificate of
qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of
allegiance,
declaration of
qualification

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Regional
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Place of
meeting

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Vacancies,
chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. ^{Resignation}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. ^{Where head of council incapacitated}

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of Council}

(2) Subject to section 139, the Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O. 1970,
c. 284, s. 238

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appointment
of clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

(3) When the office of clerk is vacant or the clerk is unable ^{Acting clerk} to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 ^{Acting clerk, first meeting} shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter and until the Regional Council appoints a clerk under this section.

21.—(1) Any person may, at all reasonable hours, inspect ^{Minutes open to inspection} any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter ^{Index of by-laws affecting land} the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the ^{Copies certified by clerk to be receivable in evidence} possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

22.—(1) The Regional Council shall appoint a treasurer who ^{Appointment of treasurer} shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer ^{Deputy treasurer} who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise,

the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member
may be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his ^{Notice to sureties} sureties.

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by ^{Duties of auditors}

the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every ^{Offer of employment} person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act.

(7) Any person who accepts employment offered under sub- ^{Entitlement to salary} section 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than that which he was receiving on the 1st day of April, 1972.

(8) The Regional Corporation shall be deemed to be a ^{Application of} municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{R.S.O. 1970, c. 324}

(9) The employees of the local municipalities and the ^{Offer of employment} local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

(10) Any sick leave credits standing, on the 31st day of ^{Sick leave credits} December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

(11) Any person who accepts employment under subsection ^{Holidays} 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(12) Nothing in this section prevents any employer from ^{Termination of employment} terminating the employment of an employee for cause.

Commence-
ment of
Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water by
Regional
Corporation

29.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-
palities, no
power to
supply and
distribute
water

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
property in
Regional
Corporation

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreements with the corporation for the use of such works in the regional waterworks system.

Payments of
principal and
interest to
area municipi-
palities

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Interest to
be charged by
area
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as

the council of the area municipality determines, from such date until payment is made.

30. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART IV

REGIONAL SEWAGE WORKS

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of sewage in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Collection and disposal of sewage by Regional Corporation

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage. Area municipalities, no power to collect and dispose of sewage

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of property in Regional Corporation

(4) Where any of the works, specified in subsection 3, are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system. Agreements

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and Payment of principal and interest to area municipalities

R.S.O. 1970,
c. 255

interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Interest to be
charged by
area
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Imposition
of sewage
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage and land drainage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Commence-
ment of Part

32. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1970,
c. 349

33.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Sudbury Planning Area.

Regional
Council
to be
planning
board

(2) The Regional Council shall be the planning board of the Sudbury Planning Area.

Planning
areas
and sub-
sidiary
planning
areas
dissolved

(3) No area municipality shall be deemed to be a municipality for the purposes of *The Planning Act* and all planning areas and subsidiary planning areas that are included in the Sudbury Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Official
plan

(4) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Advisory
committees

(5) The Regional Council may appoint such advisory planning committees as it considers necessary.

(6) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(7) All committees of adjustment heretofore constituted by the council of a local municipality in the Sudbury Planning Area are hereby dissolved on the 31st day of December, 1972, and the Regional Council shall forthwith after the 1st day of January, 1973, pass a by-law appointing a committee of adjustment under section 41 of *The Planning Act*. Committees of adjustment

PART VI

HEALTH AND WELFARE SERVICES

34.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, c. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 for the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

35.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers. Aid to hospitals

Payments of principal and interest to area municipalities

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Regional Area part of Sudbury and District Health Unit
R.S.O. 1970, c. 377

36. On and after the 1st day of January, 1973, the Regional Area shall continue to be part of the health unit established under *The Public Health Act* known as the Sudbury and District Health Unit.

Representation on board of health

37. The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council.

Regional Corporation deemed municipality under
R.S.O. 1970, c. 132

38.—(1) The Regional Corporation shall be deemed to be a municipality for the purposes of *The District Welfare Administration Boards Act* and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed town under
R.S.O. 1970, cc. 21, 270, 422, 491, 104, 192, 203

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts:

1. *The Anatomy Act*;
2. *The Mental Hospitals Act*;
3. *The Sanatoria for Consumptives Act*;
4. *The War Veterans Burial Act*;
5. *The Day Nurseries Act*;
6. *The General Welfare Assistance Act*;
7. *The Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board
R.S.O. 1970, c. 132

(3) Notwithstanding subsection 4 of section 3 of *The District Welfare Administration Boards Act*, a minimum of two-thirds

of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council.

39.—(1) The Regional Corporation shall be deemed to be ^{Liability respecting homes for the aged R.S.O. 1970, c. 206} a town for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act.

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used ^{Sudbury home for the aged vested in Regional Corporation} for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection 4.

(3) The Regional Corporation shall pay to any municipality, ^{Responsibility of Regional Corporation} before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) The Regional Corporation may enter into such agree- ^{Agreements}ments as it deems advisable with any municipality outside the Regional Area in respect of contributions made by such municipality to the construction and operation of Pioneer Manor and also in respect of the admission and maintenance of residents of such municipality.

(5) If the Regional Corporation or any municipality cannot ^{Settling disputes} reach agreement in respect of the matters provided for in subsection 4, either party may submit the dispute to the Municipal Board whose decision shall be final.

40. No area municipality shall be deemed to be a ^{Regional Corporation deemed city under R.S.O. 1970, c. 64} municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

41. The Regional Corporation is liable for the amounts ^{Existing liabilities transferred 1965, c. 14} payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

42. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area ^{Liability under order made under R.S.C. 1970, c. J-3}

municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sum of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Adjustments **43.**—(1) In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Information (2) Every area municipality and every officer or employee thereof, shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Grants to approved corporations under R.S.O. 1970, c. 204 **44.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VII

POLICE

Interpretation **45.** In this Part, "Sudbury Police Board" means the Sudbury Regional Board of Commissioners of Police.

Sudbury Regional Board established R.S.O. 1970, c. 351 **46.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Sudbury Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the district court of the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Sudbury Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remuneration (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum

prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

47.—(1) On and after the 1st day of January, 1973,

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;

(b) *The Police Act* does not apply to any area municipality; and

(c) The Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws^{Fines} of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

48.—(1) Every person who is a member of a police force of^{Area police force} or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a^{Sudbury Regional Police Force} local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board.

(3) After the 1st day of November, 1972, the members of^{Joint bargaining committee} the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in

R.S.O. 1970,
c. 351

the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in *The Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee.

Time of
meeting

(4) The first meeting of the bargaining committee and the Sudbury Police Board shall be held not later than the 30th day of November, 1972.

Terms of
employment

(5) Every person who becomes a member of the Sudbury Regional Police Force under subsection 1 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member on the 31st day of December, 1972;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than twenty miles distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972;

Application
of R.S.O. 1970,
c. 284, s. 239

(6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Sudbury Police Board.

Assumption
of buildings

49.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent

of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal

Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Sudbury Police Board, each area municipality, for the use of the Sudbury Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and

interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether, Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

50. The Regional Corporation shall provide all real and ^{Property to be provided} personal property necessary for the purposes of the Sudbury Police Board.

51. This Part comes into force on the day this Act receives <sup>Commence-
ment of Part</sup> Royal Assent.

PART VIII

REGIONAL ROAD SYSTEM

52. In this Part, Interpre-
tation

(a) "approved" means approved by the Minister or of a type approved by the Minister;

(b) "construction" includes reconstruction;

(c) "maintenance" includes repair;

(d) "Minister" means the Minister of Transportation and Communications;

(e) "Ministry" means the Ministry of Transportation and Communications;

(f) "road authority" means a body having jurisdiction and control of a highway.

By-law
establishing
regional
road system
by July 31,
1973

53.—(1) The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973.

By-law
effective
Jan. 1, 1974

(2) Notwithstanding subsection 12, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974.

Establish-
ment of
regional road
system by
Lieutenant
Governor

(3) In the event that the Regional Council does not pass a by-law as required by subsection 1 before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine.

Adding or
removing
roads by
by-law

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

Vesting of
roads in
Regional
Corporation

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(7) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed from
regional road
system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 63, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

(9) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of
land acquired
for widening
regional road

(10) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

(11) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidating
by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Approval of
by-laws

(13) *The Regulations Act* does not apply to an order in council made under this section.

Application
of R.S.O. 1970,
c. 410

54. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of
construction
and main-
tenance

55. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

56. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
toward
expenditures
R.S.O. 1970,
c. 201

57. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

Powers over
roads
assumed

58. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

59.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

Area municipi-
palities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municipi-
palities to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970,
c. 201, s. 97,
subs. 4, not to
apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

60.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Construction of sidewalk, etc. on area municipality road

R.S.O. 1970, c. 255

61. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

Intersection of other roads by regional roads

62. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 53 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

New roads

R.S.O. 1970, c. 284

63. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 282

64. (1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pumps and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of
area municip-
alities
regulating
traffic

65.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Signal-light
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within 100 ft.
of regional
roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreement
for
pedestrian
walks

66. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

67.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing
by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

68. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area muni-
cipalities

69. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

Controlled-
access
roads

70.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

71.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon controlled-access roads

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. Notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road designated under subsection 1 of section 70 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional liability where road forms part of system

72. (1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum or such lower rate as the council of the area municipality determines from such date until payment is made.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up highways

73.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of regional roads engineer R.S.O. 1970, c. 366

74. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Application of R.S.O. 1970, c. 202

75. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commencement of Part

76. This Part comes into force on the day this Act receives Royal Assent.

PART IX

REGIONAL WASTE DISPOSAL

77.—(1) In this Part, "waste" includes ashes, garbage, refuse, industrial waste or municipal refuse.

Interpre-
tation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Receiving
and disposing
of waste by
Regional
Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

Waste
disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Payments of
principal
and interest
to area
municipal-
ities

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Application
of R.S.O. 1970,
c. 284, s. 354

PART X

FINANCES

78.—(1) In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

Area municipality deemed municipality under R.S.O. 1970, c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Regional Corporation deemed regional municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment of money not immediately required R.S.O. 1970, c. 284

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVY

Yearly estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Application of R.S.O. 1970, cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area municipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. ^{Apportionment}

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. ^{When subs. 4 ceases to apply}

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. ^{Copy to Regional Corporation and area municipality}

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. ^{Appeal}

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. ^{Idem}

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1970,
c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

R.S.O. 1970,
c. 284,
1971, c. 78

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*.

Valuation of
properties

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize

and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

(13) One by-law or several by-laws for making the levies ^{Levy by-laws} may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy ^{Regional levy R.S.O. 1970, c. 32} shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under ^{Payment} the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

(17) Notwithstanding any other provisions in this section, ^{Adjustments of 1973 regional levy} the Regional Council shall adjust its 1973 levy against area municipalities to make allowance for payments out of revenue which were made by local municipalities for the construction, erection and equipping of public hospitals in the four years prior to the 1st day of January, 1973.

82.—(1) The Ministry of Revenue shall revise, equalize ^{Equalization of assessment of merged areas} and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportionment among merged areas R.S.O. 1970, cc. 405, 284. 32}

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment
of 1973
tax rate

(5) An area municipality which in 1973 receives the benefit of an allowance under subsection 17 of section 81, shall adjust its tax rate in 1973 in such a manner that the benefit of the allowance accrues to the merged area that supported the payment out of revenue referred to in the said subsection.

When
provisions
cease to
apply

(6) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 81.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 15 and 16 of section 81 apply to such a levy.

Idem

(2) Notwithstanding section 81, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 81 apply to such a levy.

Levy under
section 81 to
be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy by
area muni-
cipality before
estimates
adopted

(4) Notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, the council of an area municipality may in any year by by-law passed before

the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 82.

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 81.

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school

purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 81.

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any

specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1973
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

ADJUSTMENTS

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Surplus or deficit at Dec. 31, 1972 to be applied to supporting assessment

88.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Balfour, the Township of Dowling and the Township of Neelon and Garson.

Arbitration

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular

Idem

assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records
of divided
municipi-
palities

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of section 87 and this section, the Minister may by order prescribe the period over which any adjustments made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the

Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

(3) Notwithstanding subsection 1, reserve funds established ^{Idem} by local municipalities for the purpose of providing aid for the construction, erection and equipping of public hospitals, shall be deemed to be part of surplus, and disposed of in accordance with section 87.

90.—(1) The Regional Council may in each year, if ^{Reserve funds, establishment} authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under ^{Investments and income} subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment ^{R.S.O. 1970, c. 470} of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under ^{Expenditure of reserve fund moneys} subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the ^{Auditor to report on reserve funds} activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

91.—(1) The Regional Council may by by-law, either before ^{Current borrowings} or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by

law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Limitation

Uncompleted
works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

93.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending issue
and sale of
debentures

94.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing ^{Idem} of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture ^{Hypothecation not to prevent subsequent sale of debentures} hypothecated does not prevent the subsequent sale thereof.

95.—(1) Subject to subsection 2, a money by-law for the ^{Principal and interest payments} issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures to
refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality,

provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied. ^{Levy}

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. ^{By-law to change mode of issuing debentures}

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, ^{Debentures, when to be dated and issued}

and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security
R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer
of Ontario

Release of
securities by
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking
fund account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the ^{Deficit and surplus}

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of interest may be varied

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 94 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

When to
take effect

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application
of payments

99. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for
neglect of
officer to
carry out
by-law

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Money
by-laws may
be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 93, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

101.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture

or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. Sufficiency of signatures

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. Debentures on which payment has been made for one year to be valid

103. (1) Where a debenture contains or has endorsed upon it a provision to the following effect: Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement
of lost
debentures

104. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

106.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the Deficiency

debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures

107. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders
for
debentures

108. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

109. —(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

111.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

112. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

(a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

(b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

113. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

Commence-
ment of Part

114.—(1) This Part, except sections 88 and 113, comes into force on the 1st day of January, 1973.

Idem

(2) Sections 88 and 113 come into force on the day this Act receives Royal Assent.

PART XI

GENERAL

Application
of R.S.O. 1970,
c. 284

115.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city
under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 59, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
municipality
for
R.S.O. 1970,
c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 87

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality.

By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Vesting of
transportation
system
assets in
Regional
Corporation

116.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area

municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

117. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to
persons
engaged in
work
advantageous
to Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages

from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation
by district
judge of
charges of
malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

Commission
of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than

When
commission
may issue

one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways, etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application
of R.S.O. 1970,
c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
 3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
 4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
 5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
 6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.
- (2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect Function of clerk, collectors and assessors

or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Conditional
powers

126. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

127. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

128.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Twp. Balfour
deemed urban
municipality
under
R.S.O. 1970,
c. 291

129.—(1) For the purposes of *The Municipal Subsidies Adjustment Act*, the Township of Balfour shall be deemed to be an urban municipality and the Township of Rayside annexed thereto.

Town of
Valley East
deemed
township
under
R.S.O. 1970,
c. 261

(2) For the purposes of section 74 of *The Public Transportation and Highway Improvement Act*, the Town of Valley East shall be deemed to be a township until the 31st day of December, 1978.

Regional
Fire
Co-ordinator

130. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

131.—(1) Notwithstanding the other provisions of this Act, but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council
and area
councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

132.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O. 1970,
c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973.

Commissions
dissolved

Members of
commission
not
disqualified
as members
of Council
R.S.O. 1970,
c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Recreation
and parks
management
board
R.S.O. 1970,
cc. 120, 73

133.—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Public library
boards
R.S.O. 1970,
c. 381

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Election,
R.S.O. 1970,
cc. 362, 368
1972, c. 95

134. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Sudbury Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Sudbury District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1972,

- (a) the polling day for the members of The Sudbury Board of Education and of The Sudbury District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Sudbury Board of Education and for The Sudbury District Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

135.—(1) Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972. s. 244 of R.S.O. 1970, c. 284, not to apply

(2) With the exception of the City of Sudbury, the area municipalities shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*. Area municipalities deemed townships

136.—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction. Statute labour boards dissolved

(2) Where an established local roads area is entirely within the Regional Area such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established. Local roads boards dissolved

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973. Removal of part of local roads area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. Taxes and penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads area was established. Credits of local roads boards R.S.O. 1970, c. 256

(6) Where a local roads area established under *The Local Roads Board Act* is annexed to or amalgamated with an urban municipality within the Regional Area, the local roads area shall be deemed to be a rural municipality, or part thereof, for the purposes of *The Municipal Subsidies Adjustment Act*. Local roads areas deemed rural municipalities under R.S.O. 1970, c. 291

Power of
Sudbury
council to
pass by-laws
R.S.O. 1970,
c. 284

137. The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Agreements
re collection
of tax
arrears under
R.S.O. 1970,
c. 370

138. An area municipality may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality.

Appointment
of chief
administra-
tive officer
by
Lieutenant
Governor in
Council

139. Notwithstanding subsection 2 of section 17, the Lieutenant Governor in Council shall, before the 16th day of October, 1972, appoint a chief administrative officer to hold office during the years 1972 to 1976 inclusive and until his successor is appointed by the Regional Council in accordance with subsection 2 of section 17, and the chief administrative officer appointed under this section shall have such powers and perform such duties as may be assigned to him by by-law of the Regional Council approved by the chairman, together with such additional powers and duties as may be conferred or imposed on him by the chairman, and shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Expenses of
Regional
Corporation
during 1972

140. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Power of
Minister to
fix new
date for
first
elections

141. In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 of section 3 and make all other necessary amendments for the incorporation of The Regional Municipality of Sudbury and the matters consequent upon the holding of the election, including the date for the election of school boards in the Regional Area.

Commence-
ment of Part

142.—(1) This Part and Parts V, VI and IX come into force on the day this Act receives Royal Assent.

Idem, s. 1

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

143. This Act may be cited as *The Regional Municipality of Sudbury Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Sudbury or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

